

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Cynthia Celestin
3535 Prairie Ave.
Brookfield, IL 60513

Plaintiff,

v.

Credit Protection Association, LP
13355 Noel Road, Ste. 2100
Dallas, TX 75240

Defendant.

FILED: MAY 5, 2008
CASE NO.: 08CV2564 TG
JUDGE GRADY
JUDGE: MAGISTRATE JUDGE MASON

**COMPLAINT FOR DAMAGES
UNDER THE FAIR DEBT COLLECTION
PRACTICES ACT, AND OTHER
EQUITABLE RELIEF**

JURY DEMAND ENDORSED HEREIN

JURISDICTION AND VENUE

1. Jurisdiction is founded on 28 U.S.C. §1331 pursuant to the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. §1692. Venue is proper in this district because this is the judicial district where all of the events giving rise to the cause of action took place.

FACTS COMMON TO ALL COUNTS

2. The Plaintiff is a person who incurred a consumer debt primarily for personal, family or household purposes.
3. Defendant is a corporation doing business primarily as a consumer debt collector.
4. Defendant is a debt collector as defined by the FDCPA, 15 U.S.C. §1692a(6).
5. The Plaintiff is a "consumer" as defined by 15 U.S.C. §1692a(3).
6. The debt in question qualifies as a "debt" as defined by 15 U.S.C. §1692a(5).
7. Defendant is either the holder of the debt or was retained by the current holder to collect the debt.

8. On or around July 7, 2007, Plaintiff filed a voluntary petition for bankruptcy.
9. On or around November 2, 2007, Plaintiff's debts were discharged.
10. Defendant was listed as a creditor on Plaintiff's bankruptcy petition.
11. As described below, Defendant has contacted Plaintiff in an effort to collect a debt that was discharged in Plaintiff's bankruptcy.
12. On or around November 15, 2007, Defendant telephoned Plaintiff in order to collect the debt.
13. During this communication, Plaintiff informed Defendant that Plaintiff had filed bankruptcy and had received a discharge.
14. During this communication, Defendant ignored Plaintiff's notice and threatened to place the debt on Plaintiff's credit report if the debt was not paid.
15. On or around November 19, 2007, Defendant sent Plaintiff a letter demanding payment on the debt.
16. On or around January 20, 2008, Defendant sent Plaintiff a letter demanding payment on the debt.
17. Defendant violated the FDCPA.

COUNT ONE

Violation of the Fair Debt Collection Practices Act

18. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.
19. In demanding payment in the amount that it did, Defendant violated 15 U.S.C. §1692e(2) in that it falsely represented the character and amount of the debt.

COUNT TWO

Violation of the Fair Debt Collection Practices Act

20. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.

21. The Defendant violated 15 U.S.C. §1692f in that its actions were unfair and/or unconscionable means to collect a debt.

COUNT THREE

Violation of the Fair Debt Collection Practices Act

22. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.

23. The Defendant violated 15 U.S.C. §1692e by making misrepresentations during its conversations with Plaintiff.

JURY DEMAND

24. Plaintiff demands a trial by jury.

PRAYER FOR RELIEF

25. Plaintiff prays for the following relief:

- a. Judgment against Defendant for actual damages, statutory damages pursuant to 15 U.S.C. §1692k and costs, and reasonable attorney's fees pursuant to 15 U.S.C. §1692k.
- b. For such other legal and/or equitable relief as the Court deems appropriate.

RESPECTFULLY SUBMITTED,

Legal Helpers, P.C.

By: s/Timothy J. Sostrin
Timothy J. Sostrin
Bar ID # 6290807
Attorney for Plaintiff
233 S. Wacker
Sears Tower, Suite 5150
Chicago, IL 60606
Telephone: 866-339-1156
Email: tjs@legalhelpers.com